

DELEGATE WILLONER: I think that is implicit in the language, but if it would help clear up some problems I would not have any objection to it.

May I say that the records now are open to the public. There is a common law right to records. The courts have defined what your access to the records is. It has been limited by the legislature. I thought the "exception as otherwise prescribed by law" would cover the entire article. I thought I made that clear, but if you feel that this would be an improvement, I would accept the amendment.

THE PRESIDENT: What is your decision?

DELEGATE WILLONER: I would accept the amendment.

THE PRESIDENT: Do the co-sponsors object to the acceptance of the amendment suggested?

DELEGATE DUKES: May I ask a question of Delegate Johnson?

THE PRESIDENT: No, he does not have the floor right now.

Do any of the co-sponsors object to the acceptance of the amendment by Delegate Willoner?

DELEGATE DUKES: I am a co-sponsor. I do not know what it means.

THE PRESIDENT: All right. You can address your question to the Chair. The suggestion is that after the word "records" in line 7 there be inserted the words "as defined by law".

DELEGATE DUKES: What would that be if there is no legislation passed defining records?

THE PRESIDENT: Delegate Willoner, can you answer the question?

DELEGATE WILLONER: Good question. In light of my interpretation of the language I would assume that it would be left again to the courts to decide by law what governmental proceedings, meetings, and records would be included. If the General Assembly or a local unit of government did not act, then it would be left to the courts.

THE PRESIDENT: Delegate Dukes.

DELEGATE DUKES: Does that mean if the General Assembly does not act with respect to that particular language, are you defining records that the amendment then would read and would have the same

effect as if the wording were not there until the General Assembly did act?

DELEGATE WILLONER: Yes.

DELEGATE DUKES: I have no objection.

THE PRESIDENT: Any objection from any of the other sponsors?

If not, is there any objection from any delegate to the modification of the amendment in the manner suggested?

The Chair hears none. The amendment will be considered as modified. After the word "records" in line 7 add the words "as defined by law."

Delegate Willoner, the Chair puts this question to you to avoid a problem later on. As these words have been used heretofore, the Committee on Style has I think uniformly considered the expression "by law" to mean by statute. Your response a moment ago indicated that you did not give it that meaning. I think this ought to be clear.

DELEGATE WILLONER: I assumed that "prescribed by law" is different from "defined by law", and if it is not, the intent is that "defined by law" should mean defined by either the General Assembly or the unit of local government or the courts except that it is clear that the legislature or the unit of local government would have the last say.

THE PRESIDENT: Any other discussion? Are you ready for the question?

Delegate Marion.

DELEGATE MARION: Mr. Chairman, as I did when this amendment was before us in the Committee of the Whole, I rise rather reluctantly to speak against it, not because I do not favor the basic concept which is attempted to be embodied in this amendment, because I do.

I would first of all suggest that if Delegate Willoner feels he has limited the amendment in any way by not including the word "all", he is mistaken because whether you say governmental proceedings or all governmental proceedings, you are talking about all governmental proceedings. The exception in line 9 and 10, to me, turns the amendment around the wrong way. This was my objection to it when it came up before and it seems to me that since it is clearly indicated by sponsors and opponents of the amendment as well that there are perhaps untold exceptions to this amend-